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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 PANFILO FLORES, JR.,

No. C 12-794 SI

9 Plaintiff,

**ORDER DENYING DEFENDANTS'  
MOTION TO DISMISS WITHOUT  
PREJUDICE**

10 v.

11 GMAC MORTGAGE, LLC, et al.,


12 Defendants.  
13 \_\_\_\_\_/

14 On June 11, 2012, defendants filed a motion to dismiss plaintiff's complaint pursuant to Federal  
15 Rule of Civil Procedure 12(b)(6). However, during the pendency of defendants' motion, the Court  
16 referred the action Alternative Dispute Resolution (ADR) for mediation on August 21, 2012. The  
17 parties continue to actively mediate their dispute. To date, four mediation sessions and conferences  
18 have been held. Although no agreement has yet been reached, the parties continue to pursue a non-  
19 judicial resolution and have scheduled another session for March 21, 2013.

20 In light of the parties' ongoing efforts, the Court finds it appropriate to DENY defendants'  
21 motion to dismiss WITHOUT PREJUDICE. Should the parties fail to reach a resolution, defendants  
22 may re-file their motion and the Court will consider it promptly. This Order resolves Docket No 8.

23  
24 **IT IS SO ORDERED.**

25 Dated: February 25, 2013

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27 SUSAN ILLSTON  
28 United States District Judge